

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Stephen Wells, having been duly sworn, do hereby depose and state as follows:

1. I have been a Special Agent with the United States Social Security Administration ("SSA"), Inspector General, Office of Investigations since April 1997. I was previously employed with the United States Department of Justice, Immigration and Naturalization Service as an Immigration Officer for two years. I was also employed as an investigator conducting National Security background and suitability investigations for the United States Office of Personnel Management, Office of Federal Investigations for five years. I am a graduate of the Criminal Investigator Training Program and the Immigration Officer Basic Training Program both taught at the Federal Law Enforcement Training Center. I also hold a Bachelor of Science degree from Northeastern University. My duties include investigating violations of Title 42 and Title 18 of the United States Code. The information set forth in this affidavit is based on my own investigation, my review of relevant SSA records, as well as information provided by others.

2. The information set forth in this affidavit is based on my personal knowledge, information provided to me by other law enforcement agencies, employees of the SSA and my review of

relevant SSA records. This affidavit is not intended to set forth all of the information that I have learned during this investigation, but is made in support of a criminal complaint charging Jane DOE, also known as Maria Del Carmen Cotto Gonzalez, DOB: 06/04/1978, with violating Title 42, United States Code, Section 408 (a)(7)(B) (false representation of a Social Security Account Number) and Title 18, United States Code, Section 1542 (passport fraud).

3. SSA is an agency within the executive branch of the United States Government responsible for managing and administering retirement, disability, survivor, and Supplemental Security Income benefit programs for our nation's eligible beneficiaries. SSA is also responsible for issuing Social Security Account Numbers and cards for our nation's eligible beneficiaries.

4. The Office of Investigations is the law enforcement component within the Office of the Inspector General ("OIG") for SSA. The Office of Investigations conducts and coordinates criminal investigations related to SSA programs, operations, and its employees. This includes investigations of alleged or suspected fraud involving the Social Security Number ("SSN") or the SSN Card ("SSANC").

5. On June 4, 2004, a woman identifying herself as Maria Del Carmen Cotto Gonzalez ("Subject"), appeared at the Roslindale, Massachusetts, SSA District Office ("DO"). She requested a duplicate SSANC for a social security number of 581-77-0671. Subject presented a Massachusetts Driver's License (#581770671) (Exhibit A), and a Puerto Rico Birth Certificate (#152-78-00278-030956-052066) (Exhibit B) as proof of her identity. The birth certificate indicates that it was issued from the Department of Health in Puerto Rico in May of 1996. Officials at the Roslindale SSA DO interviewed the Subject and assisted her in completing a computer generated form known as the SS-5 which is an application for a SSANC. (Exhibit C). Subject signed the SS-5 in the presence of SSA officials. During the interview, Subject seemed confused and had difficulty answering questions regarding her place of birth, her alleged parent's names and employment history. The Roslindale SSA DO retained the driver's license and the birth certificate and informed Subject that they would have to verify the authenticity of her documents before approving her application.

6. The Roslindale SSA DO researched the SSA database and discovered that Maria Del Carmen Cotto Gonzalez, DOB: 06/04/1978, SSN: 581-77-0671, is currently residing and working in Puerto Rico. Officials at the Roslindale SSA DO contacted the true Maria Del Carmen Cotto Gonzalez in Caguas, Puerto Rico. The true

Maria Del Carmen Cotto Gonzalez confirmed that her SSN is 581-77-0671, and that she resides in Caguas, Puerto Rico. She provided SSA officials with her biographical information, as well as her parent's biographical information. The information provided by the true Maria Del Carmen Cotto Gonzalez matched the information in the SSA Database as well the information found on the Puerto Rico Birth Certificate retained by SSA. The true Maria Del Carmen Cotto Gonzalez provided a signed letter with a photo of herself attesting that her name is Maria Del Carmen Cotto Gonzalez, DOB: 06/04/1978 in Caguas, Puerto Rico. (Exhibit D).

7. On June 29, 2004, the Subject contacted the Roslindale SSA DO to inquire about the status of her SS-5 application. Officials at the Roslindale SSA DO informed the subject that her documents had not yet been verified, and her SS-5 application was pending. The Subject informed officials at the Roslindale SSA DO that she would provide them with her United States Passport as further proof of her identity.

8. On July 16, 2004, the Subject appeared at the Roslindale SSA DO and provided SSA officials with a U.S. Passport (#210500815) bearing the name Maria D. Cotto . (Exhibit E). The Roslindale SSA DO retained the passport and informed her that they would have to verify the authenticity of the passport.

9. On July 20, 2004, Agents of the United States Department of State, Diplomatic Security Service ("DSS") verified the

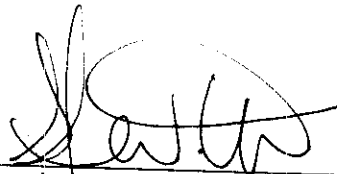
authenticity of the United States passport provided to SSA and provided the following information:

a. On March 25, 2004, an individual identifying herself as Maria D. Cotto Gonzalez, DOB: 06/04/1978, SSN: 581-77-0671 submitted an application for a U.S. Passport ("DSP-11") (Exhibit F) at the Roxbury, Massachusetts Post Office. The Subject submitted a Massachusetts driver's license #581770671 as proof of her identity. The individual signed the DSP-11 in the presence of the authorized passport acceptance clerk, attesting that all of the information was true. The Subject also provided, as required, two photos of herself. One photo of the subject was attached to the DSP-11 at the time of submission. On April 17, 2004, a U.S. Passport was issued to Maria D. Cotto.¹

10. On July 21, 2004, agents from SSA/OIG interviewed the true Maria Del Carmen Cotto Gonzalez via telephone. She verified all biographical information and employment history for SSN 581-77-0671 contained in the SSA database. She also verified her parents biographical data contained in the SSA database. She stated she has lived in Puerto Rico her entire life. She stated that she recalled requesting an original copy of her birth certificate in May of 1996 when she applied to the University of Terabo in Puerto Rico. She recalled providing the University with her original birth certificate. She never received the

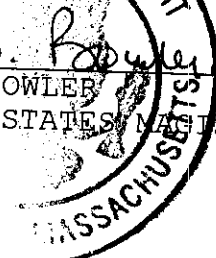

¹This variation of the name was requested by the Subject.

original back from the University. She stated she has never applied for, or been issued a United States passport. Based on the foregoing, I believe probable cause exists to conclude that on or about March 25, 2004 and Jane Doe, also known as Maria Del Carmen Cotto Gonzalez, did wilfully and knowingly make a statement in an application for a passport with intent to induce or secure the issuance of such passport under the authority of the United States and on June 4, 2004, within the District of Massachusetts, Jane Doe, also known as Maria Del Carmen Cotto Gonzalez, did knowingly, and with intent to deceive, falsely represent SSAN 581-77-0671 to be the SSAN assigned by the Commissioner of SSA to her, when, in fact, such number is assigned to Maria Del Carmen Cotto Gonzalez, in violation of 42 U.S.C. §408 (a) (7) (B).



Stephen W. Wells
Special Agent
U.S. Social Security Administration
Office of Inspector General

Subscribed and sworn to before me this ^{21st} day of July, 2004.

 
MARIANNE B. BOWLER
CHIEF UNITED STATES DISTRICT JUDGE